IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.2406 OF 2004

Shri Vilas Vishnupant Khandawe : Petitioner

V/s.

Divisional Joint Registrar,

Co-operative Societies, Pune Division,

Pune & Anr. : Respondents

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Mr.A.V.Anturkar with Mr.S.P.Pawar for the petitioner.
Mr.C.R.Sonawane, Asstt. Govt. Pleader, for the respondents.
Mr.P.S.Dani for Citizen Co-operative Bank Ltd.

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CORAM : S.RADHAKRISHNAN &
S.A.BOBDE, JJ.

December 1, 2004.

P.C.:

1. Heard the learned counsel for the petitioner and the learned Asstt. Govt. Pleader for the respondents.

2. Mr.Dani, learned counsel for Citizen Co-operative Bank Ltd. states that the Citizen Co-operative Bank Ltd., Pune, ought to have been impleaded as respondent no.3 to this petition. Mr.Anturkar, learned counsel for the petitioner, immediately agrees that Citizen Co-operative

Bank Ltd., Pune, will be impleaded as respondent no.3 to this petition. Hence, leave granted to implead Citizen Co-operative Bank Ltd., Pune, as respondent no.3. Amendment to be carried out within a week.

3. After hearing the parties and after perusing the judgment of the learned single Judge in Writ Petition No.9544 of 2003 (Prakash Sahadeo Mhaske & Ors. v. Citizen Co-operative Bank Ltd. & Anr.) dated 2.4.2004, it is seen that the said judgment clearly holds that the Co-operative Appellate Court has jurisdiction to entertain the appeal. In view thereof, the learned counsel for the petitioner seeks leave to withdraw the appeal filed by the petitioner before the Divisional Joint Registrar and file the said appeal before the Maharashtra State Co-operative Appellate Court within a period of two weeks from today.

4. Mr.Anturkar, learned counsel appearing for the petitioner, categorically states that all the immovable properties and the Bank Accounts belonging to the petitioner are under attachment. The said attachment to continue till the final disposal of the appeal which will be filed by the petitioner herein within a period of two weeks from today.

5. It is also made clear that the inquiry which is being conducted under rule 72 of the Maharashtra Co-operative Societies Rules, 1961 read with section 88 of the Maharashtra Co-operative Societies Act, 1960 would continue and proceed. The petitioner is at liberty to raise objections, including the objection that the concerned Officer who is conducting the inquiry is not the authorised officer. The Maharashtra State Co-operative Appellate Court is directed to dispose of the aforesaid appeal, as expeditiously as possible, preferably within a period of four months from today.

6. The petition stands disposed of in the above terms.

7. All concerned to act on a copy of this order duly authenticated by the Sheristedar/Personal Secretary of this Court.

Sd/-

(S. RADHAKRISHNAN, J.)

Sd/-

(S.A. BOBDE, J.)